Remarks

This application is of record pending with claims 1-6. Of these; claims 1-4 are rejected, and claims 5 and 6 are objected to. Claims 1, 2 and 4 have been amended. Claims 3, 5 and 6 have been cancelled. New claims 7-10 have been added. Claims 1, 2, 4 and 7-10 are now pending in the application.

Reconsideration of all outstanding objections, rejections and elections/restriction requirements for all pending claims and re-examination and allowance of all claims, but, at least claims 1are hereby respectfully requested. The issues of the outstanding Office Action, mailed May 13, 2010, will now be addressed *seriatim*.

35 USC §103(a) Rejections

Claims 1-4 were rejected under 35 USC §103(a) as being allegedly unpatentable over US Patent No. 5,787,682 (hereinafter "Tolson") in view of US Patent No. 4,571,927 (hereinafter "Suga").

Applicant respectfully submits that amended claims 1, 2, 4, 9 and 10 are patentable over Tolson in view of Suga since the references either individually or in combination fail to disclose all the recited features in the claims. For example, with respect to amended independent claim 1 and new independent claim 9, neither Tolson nor Suga disclose closing members disposed in a positive pressure fluid flow path between a fixed hot fluid source and fixed nozzles.

Suga discloses a damper 90 located within a first air suction chamber. As shown in Figures 8 and 9 of Suga, the damper 90 is not located in a positive pressure flow path between a heat source and nozzles that direct a heated fluid from the heat source towards the bottom of a conveyor for the purpose of heating the front and rear ends of a product. Conversely, damper 90 is placed in an air suction channel 64 and its position by default is the one of Figure 8. It is moved to the position of Figure 9 by means of an air flow created in the first bypass port 89 in order to press the leading end 3b of film 3 onto the rear wall. The passages of Suga explaining this are the following:

"the leading end 3b and trailing end 3a of tubular film 3 are formed between the adjacent trays 2 as shown in FIG. 8, the leading and trailing ends 3b and 3a being subjected to suction from the first and second air suction channels 64 and 65 respectively. When the leading end 3b of the cut tubular film 3 is taken into the first air suction channel 64, the air inlet 87 thereof is in the state of being closed by the leading end 3b to thereby deteriorate suction of air into the first air suction channel 64 as shown in FIG. 8. Consequently, a new air flow, as shown in FIG. 9, is created in the first bypass port 89 to push the first damper 90 toward the rear wall of channel 64 so that the damper 90 presses the leading end 3b of film 3 onto the rear wall." (col. 7, lines 10 to 24).

"the leading end 3b is caught by the first damper 90, thereby being extended lengthwise and folded toward the bottom surface of each tray 2. Then, the air inlet 87 is open after the tray 2 passes above the first air suction channel 64 and the first damper 90 swings to restore to the original position by virtue of its centroid one-sided toward the bypass port 89." (col. 7, lines 34 to 41).

For at least these reasons, Applicant respectfully submits that amended claim 1, new claim 9, and the claims depending therefrom are patentable over the cited references.

With respect to claim 9, neither Tolson nor Suga disclose closing members having fluid flow conduits located therein. For at least this reason, Applicant respectfully submits that claim 9 and its dependent claim 10 are patentable over the cited references.

With respect to amended claim 4, Applicant respectfully submits that it would not have been obvious to one having ordinary skill in the art at the time the invention was made to provide an arm to move the closing members in relation to the an axis parallel to the plane of the conveyor since Suga explicitly teaches that the damper 90 situated in suction chamber 64 is moved by means of air flow in the suction chamber.

Neither of these references, Tolson or Suga, anticipates claim 1 or the claims dependent therefrom, nor any new claims. The rejections are obviated and/or traversed and can be withdrawn. Action to this end is respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the allowability of claims 5 and 6. New independent claim 7 represents the combination of original claim 1 and cancelled claim 5. New independent claim 8 represents the combination of original claim 1 and cancelled claim 6. As such, new claims 7 and 8 are in condition for allowance.

Conclusions

Applicant respectfully submits that all rejections are obviated or traversed and respectfully requests that they be withdrawn. A timely Notice of Allowance is requested to be issued in this case. Applicant believes that no further fees or petitions are due with this filing. However, should any such additional fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 02-2093 as necessary.

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Respectfully submitted,

/peterbscull/
Peter B. Scull, Registration No. 37,932
BERENBAUM WEINSHIENK PC
370 Seventeenth Street, Suite 4800
Denver, Colorado 80202
Tel: 303-825-0800
Fax: 303-629-7610